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CHAPTER 426

AN ACT to renumber 52.21; to amend 247.08; and to create 52.21 (2) of the statutes, relating to custody and support of children born out of wedlock and marital actions to compel support.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 52.21 of the statutes is renumbered 52.21 (1).

SECTION 2. 52.21 (2) of the statutes is created to read:

52.21 (2) In every paternity action the court, either during the pendency thereof or in approving a settlement agreement or in rendering judgment or in revising the judgment, may make and enforce such orders or provisions for the suitable care, custody, support and maintenance of the child as a court having jurisdiction of marital actions may make therein pursuant to ss. 247.23, 247.24 and 247.25 to 247.28, unless or until parental rights to such child are terminated in accordance with ss. 48.40 to 48.43, provided that the court shall make no order relating to support and maintenance of such child until paternity has been established; provided that the court shall never give the custody of the child to the defendant unless the welfare of such child will be promoted thereby and unless the defendant has admitted paternity or has been adjudicated the father of such child.

SECTION 3. 247.08 of the statutes is amended to read:

247.08 If any husband fails or refuses, without lawful or reasonable excuse, to provide for the support and maintenance of his wife or minor children, the wife may commence an action in any court having jurisdiction in actions for divorce, to compel such husband to provide for the support and maintenance of herself and such minor children as he may be legally required to support. The court, in such action, may determine and adjudge the amount such husband should reasonably contribute to the support and maintenance of said wife or children and how such sum should be paid. The amount so ordered to be paid may be changed or modified by the court upon notice of motion or order to show cause by either the husband or wife upon sufficient evidence. Such determination may be enforced by contempt proceedings. *In any such support action there shall be no filing fee, suit tax or other costs taxable to the wife, but after the action has been commenced and filed the court in its discretion may direct that any part of or all fees and costs incurred shall be paid by the husband.*

Approved December 12, 1963.
